

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 20, 2022

SUBJECT: Tradewinds Designated Marijuana Consumption Facility Special Exception Use (3860 Research Park Dr.) with Site Plan for Planning Commission Approval

File No. SP22-2007

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, including an accompanying site plan, finds the petition substantially meet the standards in Chapter 55 (Unified Development Code), Section 5.29.5.D (Special Exceptions) and Section 5.16.3.G (Marijuana Facility), and therefore approves the 3860 Research Park Drive Special Exception Use for Designated Marijuana Consumption Facility. This approval is based on the following findings:

1. The proposed use will be consistent with the C2B (Business Service) District, which provides for residential, office, and commercial uses, including special exceptions for designated marijuana consumption facilities.
2. The proposed use will not adversely impact traffic, pedestrians, bicyclists, circulation, or road intersections based on the location. South Ashley Street provides access to the site, and the proposed use is consistent with other surrounding uses' traffic impact.
3. A site plan documenting the existing and proposed conditions of the site has been submitted as part of this application.
4. Through documentation submitted by the petitioner regarding waste disposal, inventory tracking, security, and other methods of operation of the facility, the designated marijuana consumption facility will be operated in a manner that will not have an adverse impact on the neighboring properties or area and will not have a detrimental impact on natural features.

This Special Exception Use approval is based on the following conditions:

1. The petitioner obtaining and maintaining both a State of Michigan Marijuana License and a City of Ann Arbor Marijuana Permit, and providing documentation to Planning Services within three years of the City Planning Commission approval date of this petition.

2. The petitioner operating a marijuana business at this address within three years of the City Planning Commission approval date of this petition.
3. The designated marijuana consumption facility may only be used by customers and their guests of the provisioning center/retail at 3860 Research Park Drive.
4. The special exception use may occupy no more than 4,560 square feet at 3860 Research Park Drive.

And that the Ann Arbor Planning Commission approves the attached Site Plan which demonstrates compliance with the applicable Special Exception Use standards as no development which would otherwise require site plan approval has been proposed.

SUMMARY:

A request for special exception use approval for a designated marijuana consumption facility at 3860 Research Park Drive. The facility is also located in the same building as a previously approved provisioning center and adjacent to the Staybridge Hotel located at 3850 Research Park Drive. The petitioner proposes consumption facility patrons purchase marijuana products from the Tradewinds Provisioning Center. It will be the second consumption facility in the City.

STAFF RECOMMENDATION:

Staff recommends that the special exception use be **approved with conditions** subject to Planning Commission consideration because the proposed special exception use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

LOCATION:

This site is located on the east side of South State Street, south of Research Park Drive. This site is located in the Malletts Creek Watershed, Ward 4.

DESCRIPTION OF PETITION:

The applicant seeks special exception use approval to operate a designated marijuana consumption facility in an existing 9,120- square foot building in the C2B district. Designated marijuana consumption facilities are permitted with special exception use approval in the C2B district as provided in Table 5.15-1 of Section 5.15 of the Unified

Development Code and subject to the use specific standards provided in Section 5.16.3.G.

The 3.5-acre site contains a two-story, 9,120- square foot building currently vacant and a 134-room hotel now in operation. The proposed consumption facility would occupy the second floor of the two-story building with the provisioning center occupying the first floor.

Significant site improvements are not proposed. The existing building will be renovated to accommodate the consumption facility, façade updates facing State Street were part of the previous SEU provisioning center approval.

The site is not adding impervious surface to require storm water management updates, and is now exempt from off-street parking requirements, although this site previously complied.

All required procedures and required materials have been followed or provided. For example, a citizen participation meeting held was held on June 30, 2022 and a report included in the submittal materials.

SPECIAL EXCEPTION USE STANDARDS:

The Planning Commission, in arriving at its decision relative to any application for a special exception, must apply the general criteria for approval provided in Section 5.29.5.D of the UDC, summarized and analyzed below.

- (a) Master Plan: (The [City Master Plan](#) includes 8 elements, adopted individually between 2009 and 2017, and together by resolution in 2015.) Together, the City Master Plan elements seek to guide the City towards sustainability, conservation, and increasing livability, affordability, transportation choices, and dense, mixed uses on vibrant, active, friendly streets.
- (b) Compatibility with the general vicinity: The use is similar to other surrounding office and retail establishments in its hours of operation and general activities. The existing development is well within the normal FAR limit and off-street parking requirements, which are no longer required.
- (c) Consistent with the neighborhood and not detrimental: The intensity and character of the consumption facility are compatible with surrounding activities.
- (d) Parking: The site no longer requires parking with existing parking provided for both the hotel and provisioning center located on site. The proposed use includes providing new bicycle parking spaces.
- (e) Pedestrian Safety: Public sidewalks, in good condition, are present along South State Street as well as along Research Park Dr. Pedestrian access to this site is off South State Street and Research Park Dr. Vehicular access is provided off

Research Park Dr. The lack of a driveway off S. State St/ at this location improves pedestrian safety in the immediate vicinity.

- (f) Vehicular movement and traffic: Designated marijuana consumption facilities are too new to have a robust body of trip generation data. It is logical that consumption facilities would have similar vehicle trip generation as a bar or restaurant. However, the proposed consumption facility is intended to serve accessory to the adjacent approved marijuana provisioning center/retailer and not generate any additional trips or traffic.
- (g) Natural Features: There are no natural features impacted on this site.

In addition to the general special exception use standards noted above, some additional information is required per Section 5.16.3.G for several specific kinds of marijuana facilities that require special exception use approval. That information, listed below, is not required for designated marijuana consumption facilities but has been provided by the applicant and is attached.

- 1) Description of delivery procedures, storage, and floor plan.
- 2) Description of safety and security procedures.
- 3) Description of odor-containment method.
- 4) Description of waste disposal.
- 5) Statement of days and hours of operation.

STAFF COMMENTS:

Planning – The operations plan provided by the applicant describes and addresses any concerns regarding procedures, safety, odor-containment, safety, waste disposal and so forth. Staff asked the petitioner to provide additional information on the operation of the consumption facility. This information was not provided at the time the staff report was written and the petitioner will present this at the planning commission meeting.

Transportation Engineer – The trip generation estimation for this site is approved, subject to the consumption facility being accessory to the provisioning center/retailer.

Prepared by Chris Cheng, City Planner
Reviewed by Brett Lenart, Planning Manager

Attachments: [Zoning/Parcel Maps](#)
[Aerial Photo](#)
[Citizen Participation Notice](#)

[SEU Petition Application](#)
[SEU Application Attachments](#)
[Site Plan](#)
[Traffic Summary](#)
[Elevations](#)

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City Attorney's Office
Systems Planning
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Street view (images taken September 2022), 3860 Research Park Drive



Looking east from S. State St.



Looking south from Research Park Dr.



Looking north from parking lot